IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7073 OF 2005

Pepsico India Holding Pvt. Ltd. ..... Petitioner.

V/s

Grocery Market & Shops Board
and Ors. ..... Respondents.

Mr. P.M. Patel i/b Mr. R.V. Talaskar for the Petitioner.

Mrs. Lata Desai for Respondent No.1.

Mr. S. S. Pakale for Respondent No.3.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATE : 19th November, 2007.

P.C.:

1. By consent of parties, Writ Petition is disposed of in the following terms:-

(i) The question whether any of the schemes framed under the Act generally or Grocery Markets or Shops Unprotected Workers (Regulation of Employment and

Welfare) Scheme, 1970 particularly applies to the unprotected workers or employees engaged by the Petitioner, is referred to the State Government under section 5 of the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

(ii) The State Government shall decide that question in accordance with law after granting an opportunity of being heard to the Petitioner and Respondent Nos.1 and 3 and also other persons who may be likely to be adversely affected by the decision of the State Government.

(iii) The State Government shall make its decision as expeditiously as possible and, in any case, within a period of six months from today.

(iv) Pending the decision of the State Government, the order of Deputy Labour Commissioner & Chairman, Grocery Market & Shops Board, which is impugned in this

Petition, shall remain stayed.

(v) In case, the State Government decides that the provisions of the Act and the Scheme are applicable, the order dated 1st October, 2005 shall be implemented. In case, the State Government decides that the Act and the Scheme does not apply, the order will be treated as cancelled.

(vi) The interim order, which is passed in this Petition and presently in operation, shall continue to operate while proceedings are pending before the State Government.

2. Rule is made absolute accordingly. No order as to costs.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)